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FAX NUMBER: (703) 872-9306FROM: Ross SchmittDATE: May 18, 2004**OFFICIAL**TOTAL NO. OF PAGES (INCLUDING THIS PAGE): 3SUBJECT: Comments on Statement of Reasons for AllowanceU.S. Application No. 09/877,976David M. Pepper"Electro-optical Programmable True-Time Delay Generator"Our Ref: B-3918 617820-9**REMARKS:**

Examiner Petkovsek:

Enclosed is a paper presenting Comments on Statement of Reasons for Allowance consisting of:

Comments on Statement of Reasons for Allowance - 2 pages

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David M. Pepper

Examiner: Daniel J. Petkovsek
Art Unit: 2874

Patent Appl: 09/877,976

Our Ref: B-3918
617820-9

Filed: June 8, 2001

Date: May 18, 2004

For: "ELECTRO-OPTICAL
PROGRAMMABLE TRUE-TIME
DELAY GENERATOR"Re: *Comments on Statement of
Reasons for Allowance***RECEIVED
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MAY 18 2004

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**OFFICIAL**Mail Stop Issue Fee
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Examiner's statement of reasons for allowance presented in the Notice of Allowance, dated February 23, 2004. The Applicants hereby request that this paper be entered as Comments on the Statement of Reasons for Allowance. **All remarks herein are made without prejudice.**

REMARKS

In the section containing the Examiner's statement of reasons for allowance, the Examiner states that, "Method restrictions (claims 40 - 43) of same device of independent claim 31 are also allowed." It appears from this language that the Examiner is asserting that Claims 40 - 43 are dependent on Claim 31. However, Claim 40 is a independent claim that does not depend on Claim 31 or any other claim. Claims 41 - 43 depend directly only on Claim 40. Therefore, the Applicant submits that it is inappropriate to assert that the device claimed in Claim 31 somehow limits the scope of Claims 40 - 43. The Applicant submits that the scope of Claims 40 - 43 defined by the text of these claims and the equivalents to these claims, and not by the Examiner's Reasons for Allowance.

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Comments on Reasons for Allowance

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The Applicant objects to the Examiner's Reasons for Allowance in regard to Claims 40 - 43, since these reasons do not at least recite the specific text used in the allowed independent Claim 40. Therefore, the Applicant respectfully requests that the stated reasons for Claims 40 - 43 be withdrawn. The Applicant further request that if the Examiner feels compelled to issue Reasons for Allowance, such reasons should use the actual text of each of the allowed independent claims.

I hereby certify that this correspondence is being facsimile transmitted to Fax No. 703-872-9306 and addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 18, 2004

(Date of Deposit)

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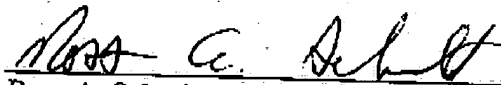


(Signature)

5-18-2004

(Date)

Respectfully submitted,



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